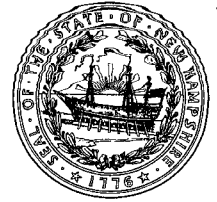




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 06-093**

August 29, 2006

Peterborough Commerce Park Ltd Partnership  
c/o Craig Hicks  
79 Robbe Farm Road  
Peterborough, NH 03458

RE: DES Wetlands File #2006-01939 Route 202 N, Peterborough

Dear Mr. Hicks:

On August 22, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Peterborough Tax Map R11 as Lot 43 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. A culvert had been installed to cross a jurisdictional surface water / intermittent stream for the construction of a haul road. The road surface and shoulders were stable, however headwalls had not been installed around the culvert.
2. The downstream channel had been graded. It was vegetated and stable. The flow continues to a wetland.
3. A crushed culvert in an abandoned road had been removed. The intermittent stream flowed through the culvert and outlet into a downstream wetland.

In response, you are requested to take the following actions:

1. Maintain the hydrology and stream flow into the downstream wetland by allowing the water to flow across the abandoned road location and into the wetland. Any grading required to re-establish flow across the abandoned road must be immediately seeded and mulched.
2. By September 30, 2006, obtain a DES permit to retain the culvert in the haul road.
3. By September 30, 2006 install headwalls at the culvert crossing.
4. By October 15, 2006 submit photo documentation to show that the stream flow into the wetland has been maintained and the headwalls have been constructed per #1 and #3 above.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit,

this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Collis G. Adams'.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 4775

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Peterborough Conservation Commission  
Peterborough Board of Selectmen  
USACOE